

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Richard Brakebill, Deloris Baker, Dorothy
Herman, Della Merrick, Elvis Norquay, Ray
Norquay, and Lucille Vivier, on behalf of
themselves,

Plaintiffs,

vs.

Alvin Jaeger, in his official capacity as the
North Dakota Secretary of State,

Defendant.

Civil No. 1:16-cv-8

DECLARATION OF LUCILLE VIVIER

Pursuant to 28 U.S.C. § 1746, I, Lucille Vivier, make the following declaration:

1. My name is Lucille Vivier, and I am an enrolled member of the Turtle Mountain Band of Chippewa Indians. I was born on June 24, 1963 in Belcourt, North Dakota and I am a citizen of the United States. I grew up in North Dakota and have lived in either Dunseith or Belcourt my entire life. I currently live in Dunseith, North Dakota and have for about the last 11 years. I have voted in many elections since turning 18 years of age and became a qualified voter.

2. I taught elementary and high school for 15 years, but I am now unemployed. I do not have a car and have to arrange a ride to get anywhere as there is no public transportation where I live. I currently live with my mother, who I take care of, as well as four children that I take care of. We live in my mother's three bedroom home. Three of the children I care for have special needs. In order to pay for utilities, groceries, care for my mother and children, and transportation I receive disability assistance and food stamps. Disability provides me with about \$735 per month and food stamps provides me with

about \$89. I spend the majority of my disability assistance on electricity, water, phone, groceries (which is about half of my monthly income), clothes, transportation, and the health care needs of my children and mother. At the end of every month, I typically have about three dollars left.

3. On November 4, 2014, I attempted to vote in the general election but was not allowed to cast a ballot because I did not have the required form of identification. Before the election, I never saw or heard anything about the new voter ID law. I do not have a state of North Dakota identification card ("ID") or a North Dakota driver's license. I also do not have a birth certificate or a social security card, which I need to be able to obtain a state ID. I do have a Turtle Mountain Tribal ID issued by the federal Bureau of Indian Affairs from June of 2014, but it does not have any address listed on it. I am able to get by in my daily life with my tribal ID.

4. When I went to vote, I took my tribal ID with me when I went to the polling place on election day in November of 2014. When I presented my tribal ID, the poll workers informed me that it was unacceptable because it did not have a residential address printed on it. Thus, the poll workers did not allow me to vote. I have known the poll worker that turned me away since she was five years old and her family for most of my life.

5. Since the election I have looked into obtaining a copy of my birth certificate. My understanding is that it is \$7 for a North Dakota birth certificate. Because I take care of my mother and four children on only disability income, I do not have an extra \$7 to spare. I would rather spend that \$7 to buy extra groceries than worry about getting my birth certificate. Likewise, I cannot afford to travel to Bismark to obtain a copy of my birth certificate in person.

6. An additional challenge to obtaining an ID with my residential address on it is that I do not know exactly what my residential address is. On the reservation, many places still do not have good addresses and the United States Postal Service does not make residential mail deliveries. When I speak to the police department, they have a different

address on file for me than the bureau of Indian Affairs law enforcement. The paramedics also have a different address on file from the Police Department. Federal Express has another address altogether. I have tried to get a debit card delivered to my physical address, and I never received it. Thus, I do not know what address I should be using for my ID.

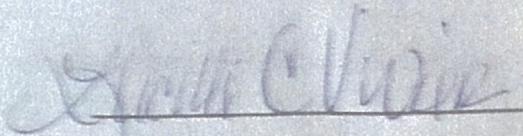
7. In order to obtain a new social security card one has to have a birth certificate and a state ID. I do not have either of those.

8. Even if I had my birth certificate, I cannot afford to pay for transportation – either the bus or gas money – to travel to Rolla or Bottineau, North Dakota just to obtain a state ID card. I live in Dunseith, which is about 30 minutes on way away from Rolla and 20 minutes on way away from Bottineau. I also cannot afford the additional travel expenses and costs for a tribal ID, which is now \$10. When I have to travel for extended time, I have to arrange for a babysitter for my kids and a home health care individual for my mother who has congenital heart failure. I have utilized my cousin and his wife in the past because my cousin is a welfare worker and his wife is a nurse. Thus, when they are available I can pay them to assist me when I have to travel. Because I have to pay them, though, it makes it difficult to travel because I do not always have money to pay them.

9. Even if I were able to obtain transportation to get a state ID, the offices to get the ID are only open for very short periods of time during the month and thus there is the additional burden of planning around that timeframe and securing childcare while I am away from home. My cousin and his wife are also only available at limited times so it makes the planning more difficult.

10. Because of my limited income and lack of access to transportation, I cannot obtain a new state ID or tribal ID in order to vote without excessive expense or burden.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on this 15 day of June, 2016.

A handwritten signature in dark ink, appearing to read "Lucille Vivier", written over a horizontal line.

Lucille Vivier

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2016, the document titled "**Declaration of Lucille Vivier.**" was electronically filed with the Clerk of Court through ECF, and that ECF will send a Notice of Electronic Filing ("NEF") to:

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DATED: June 20, 2016

By: /s Matthew Campbell
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